

Larry M. Weil, Planning and Community Development Director Tim Solberg, Senior Planner Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission July 14, 2014 at 7:00 P.M. West Fargo City Hall

Members Present: LeRoy Johnson

Tom McDougall Connie Carlsrud Terry Potter Scott Diamond David Zupi

Members Absent: Eddie Sheeley

Jerry Beck

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Mike Thorstad, Steve Griffin, Paul Kautzman, Nate

Vollmuth, Bob and Tammy Askew, Mary Jean Hansen, Jeff Volk, Laverne Schneider

The meeting was called to order by Chair McDougall.

Commissioner Potter made a motion to approve the June 9, 2014 meeting minutes as written. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-35 Conditional Use Permit to allow for the stockpiling of materials to support redi-mix operations; for the recycling of asphalt and concrete crushing; and for the addition of a bituminous mixing plant on Lot 1, Block 1 of Harvest States Subdivision, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The City's Future Land Use Plan depicts the property being utilized for industrial purposes. The proposed use with certain conditions appears to be consistent with the City's Comprehensive Plan and compatible with established uses in the area.

The applicant proposes to operate a redi-mix operation, add a concrete asphalt recycling area, provide for and potentially add a bituminous mixing plant in the future, and consolidate some other operations of Strata onto one site for improved efficiencies in their business. The submitted site plan for the property shows an existing building will remain toward the front of the lot (behind Hogenson Construction with vehicle parking and storage on aggregate surface and two existing cold storage buildings toward the back (northeast corner) of the lot will remain on site and an additional maintenance facility building will be added toward the center of the lot with equipment storage area to the east of that building. The site plan further shows a proposed asphalt mixing plant, asphalt and concrete piles (not to exceed 45' height), concrete washout area, asphalt and concrete crushing area, and two aggregate stock piles (not to exceed 45' height). Any new improvements to the property would need to adhere to the requirements of the CO-R: Redevelopment Corridor Overlay district.

Screening and buffering is shown on the site plan as including a berm with deciduous tree plantings on the east side of the lot and a chain link fence with deciduous trees on the west side of the lot. Given the large amount of material storage on the site, it may be appropriate to increase the buffer/screening requirements on the site. Further, when screening is required as part of the City's landscape standard a chain link fence is not allowed.

Notices and maps were sent to adjacent property owners within 350' and City departments for review and comment. No comments from the public have been received to date.

It is recommended that the application be conditionally approved on the basis that with set conditions it would be consistent with City plans and ordinances. The proposed conditions are as follows:

- All proposed buildings meet the requirements of the Redevelopment Corridor Overlay district and any other applicable standards.
- 2. Applicant demonstrates that they can adequately screen the stock piles and outdoor equipment storage within reason as deemed by the Planning & Zoning Commission and City Commission. Staff would recommend one of the three options presented below:

**Option A**: Buffer yard C under adopted landscape standards (4-449-A) which would allow for either a 6' screen wall and a 25' buffer yard with both large and small evergreen tree plantings or a 50' buffer yard with large and small evergreen tree plantings and one continuous row of evergreen shrubs.

**Option B**: As submitted in the proposed site plan with the addition of one row of large evergreen trees staggered with the proposed deciduous trees.

**Option C**: As submitted in the proposed site plan.

There were no comments from the public. The hearing was closed.

Chair McDougall asked for clarification regarding the site plan and tree plantings on the east and west sides of the lots. Tim indicated plantings would be along 12<sup>th</sup> Avenue to the east and west of the Hogenson construction site.

Commissioner Diamond asked if there were currently any trees. Tim stated no. Currently deciduous trees are proposed.

Commissioner Zupi asked if the stockpiles were more permanent. Steve Griffin, Strata Corporation, stated that it would be intermittent. Periodically stockpiled, then crushed.

Commissioner Potter asked about asphalt mixing and potential for strong odors. Mr. Griffin stated it's a smaller operation that Flint Hills to the south and is not continuous.

Chair McDougall asked Mr. Griffin if he had any thoughts on buffering. Mr. Griffin stated they plan to work with the City Forestry Department or the university to discuss proper trees for the area. Fences don't seem to work. They may also move their maintenance building operations from Fargo, so a building would also help to buffer.

Commissioner Johnson asked about crushing and potential for dust. Mr. Griffin stated that they would use water to keep the dust down.

Commissioner Zupi indicated he liked Option B. Tim indicated it was preferred by staff as well. Fencing was used more for security and not screening.

Commissioner Zupi made a motion for approval based on staff recommendations 1-2 and Option B with trees as approved by the City Forester. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-36 Harvest States 2<sup>nd</sup> Addition, Replat of Lots 1 & 2 of Harvest States Subdivision & part of Lot 6, Block 1 of Integrity 1<sup>st</sup> Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant is proposing to swap some land with the adjacent lot. The previous lots followed the lines of a small drainage swale on the property that is being modified. The new lot will be squared off and would allow for further development of the lot to support existing operations.

The City's Land Use Plan has the area designated as Heavy Industrial. The proposed uses are consistent with the City's Comprehensive Plan.

Notices were sent to City departments, Post Office, Utility Companies, and SE Cass Water Resource District. The City Assessor provided comment that Lot 6, Block 1 of Integrity 1<sup>st</sup> Addition should be included in the Final Plat so as not to leave a split portion excluded. The subdivision does not require any improvements; therefore a subdivision agreement will

not be necessary with this plat.

It is recommended that the subdivision plat be conditionally approved on basis the request is consistent with City plans and ordinances. The conditions for the application are as follows:

- 1. A Drainage Plan is received and approved by the City Engineer.
- 2. A Final Plat is received with any necessary utility easements.

There were no comments from the public. The hearing was closed.

Chair McDougall asked about approaches. Larry stated that being 12<sup>th</sup> Avenue is an arterial street, it would be nice if access were defined and placed on the plat. The consultant for the 12<sup>th</sup> Avenue project will work with the applicant regarding access.

Commissioner Potter made a motion for approval based on staff recommendations. Commissioner Carlsrud seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-37 Eaglewood 3<sup>rd</sup> Addition, Subdivision and Rezoning from Agricultural to R-1: One & Two Family Dwellings and R-1SM: Mixed One & Two Family Dwellings, property in the SE<sup>1</sup>/<sub>4</sub> of Section 19, T139N, R49W, City of West Fargo, North Dakota. He indicated that Commissioner Potter would be abstaining from commenting and voting on this item.

Larry reviewed the following information from the staff report:

The proposed development is located north of the Eaglewood 1<sup>st</sup> Addition, west of 9<sup>th</sup> Street West and north of 32<sup>nd</sup> Avenue West. The property is currently farmed, but would be developed as an extension of Eaglewood 1<sup>st</sup> Addition. The area was annexed into the City in December 2005. The applicant proposes to develop the property with single family dwellings. The proposed use is consistent with City Plans.

The applicant proposes a residential subdivision with urban infrastructure improvements. Eaglewood 1<sup>st</sup> Addition was approved by the City in 2010 with lots zoned R-1A: Single Family Dwelling District to the west and the smaller affordable housing lots zoned PUD: Planned Unit Development to the east, as the R-1SM: Mixed One and Two Family Dwelling District had not been established yet. With the amount of interest in smaller affordable housing lots, the developer would like to add additional lots for development under the R-1SM District. The remaining lots are proposed to be zoned R-1: One and Two Family Dwelling District.

The developer has submitted an Area Plan and Plat. The Land Use Plan depicts the area developing with Low Density Residential. The proposed mix of land uses as shown in the area plan includes single family dwellings west of 9<sup>th</sup> Street West and park/retention facilities, which are consistent with the plan.

The Preliminary Plat shows the east part of the area as small single family and/or twin home lots ranging from 41 - 72' in width. The detached homes are characterized as "cottage style" single family which is an alternative to twin home units. The west half of the area shows larger single family lots ranging from 70 - 85' in width at the building line which well exceeds the R-1A District standards. It would be more appropriately zoned R-1A than R-1, as this would be consistent with the lots to the south.

Adequate street right-of-way is shown for all the local streets within the subdivision. It is proposed that a separated pedestrian/bikeway would continue north on 9<sup>th</sup> Street West similar to the facility in place along Eaglewood 1<sup>st</sup> Addition, as well as from 32<sup>nd</sup> Avenue West to the south side of Westport Beach and Nelson Acres. It is intended that for the future there would be connecting links to the Sheyenne Diversion, and at the Section Quarter Line of Section 19 a connecting link east to Sheyenne Street. There is a 20-foot lot designated for the pedestrian/bikeway which should be dedicated to the Park District, and the improved surface should be included with the improvement district.

Sewer and water services have not been extended to the property yet. A special improvement district will need to be established to provide for the needed services. The developer intends to request establishing a district so that services can be installed.

The Park District has reviewed and approved the proposed park dedication for the Eaglewood development encompassed within the Area Plan. No park dedication was received with Eaglewood 1<sup>st</sup> Addition, as the park was intended to be included in a subsequent subdivision. The park included in this subdivision is about a 4-acre park and the only park proposed for the Eaglewood development west of 9<sup>th</sup> Street West which is approximately 150 acres. The park acreage is slightly less than the guideline established between City and Park District following the establishment of Rendezvous Park which is 30% land and 70% cash-in-lieu for developments west of Sheyenne Street. The City will develop a park dedication agreement which consists of both land dedication and cash-in-lieu of land dedication.

Notices and maps were sent to area property owners, Park District, Post Office, City departments, SE Cass Water Resource District, and utility companies. The Post Office has indicated for the previous subdivision that a plan for cluster boxes needs to be developed for the Eaglewood development and approved by them.

It is recommended to conditionally approve the Preliminary Plat on the basis that it is consistent with City plans and ordinances. The conditions of approval include the following:

- 1. An Attorney Title Opinion is received.
- 2. Revised Plat and Area Plan are received from the applicant's engineer which meet the City's R-1SM District requirements.
- 3. The zoning for lots west of 12<sup>th</sup> Street West is changed to R-1A to be consistent with the subdivision to the south.
- 4. The street name Eaglewood Drive is changed to 29<sup>th</sup> Avenue West.
- 5. A drainage plan is received and approved by the City Engineer.
- 6. Final Plat is received with necessary easements.
- 7. A certificate is received showing taxes are current.
- 8. A park dedication agreement is received.
- 9. Deeds are received conveying the park properties to the Park District. The pedestrian/bikeway connection to the Sheyenne Diversion should be improved as part of the special assessment district.
- 10. Restrictive covenants for the development are received for filing with the plat if proposed.
- 11. A subdivision improvement agreement is received.
- 12. The Developer is responsible for submitting a cluster box location plan to the Post Office for approval and assuming the costs for the boxes and installation costs.

There were no comments from the public. The hearing was closed.

Chair McDougall asked about differences between the initial plat and revised one. Larry stated that lot sizes were increased to meet the R-1SM District standards. A certain percentage are required to be wider than 50'.

Commissioner Zupi made a motion for approval based on staff recommendations. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-38 Kautzman Subdivision, Rezoning from Agricultural to R-R: Rural Residential and Land Use Plan Amendment from Agricultural Preservation to Rural Residential, property in the SW¼ of Section 26, T139N, R50W (Mapleton Township), Cass County North Dakota.

Tim reviewed the following information from the staff report:

The property is located in the City's extraterritorial area about two miles south of I-94, on the east side of 38<sup>th</sup> Street West and on the north side of 40<sup>th</sup> Avenue West (County Hwy 8). The property is situated west of the Sheyenne Diversion. A portion of the property was platted using metes and bounds descriptions and has been a lot of record in Cass County for several years. The property came into the City's extraterritorial area in 2002.

The applicant's son currently resides on the property. The applicant would like to build a secondary structure for himself. The proposed development is not consistent with the City's Land Use Plan which depicts the area as Agricultural Preservation. The property is located outside of the Sheyenne Diversion and is within a flood hazard area in Mapleton Township. To develop the property for the proposed use a Land Use Plan amendment would be required to take the land out of Agricultural Preservation and place it in a Rural Residential designation. The property could then be platted and rezoned for large-lot single family residential.

The preliminary plat shows 75' of right-of-way provided along Cass County Highway 8 (40<sup>th</sup> Avenue West), which is deemed adequate under the City arterial requirements. Generally properties within the 100-Year Flood Plain are allowed to make improvements to the property if the structures are adequately raised and protected; however, if properties are in a designated flood way they are not allowed to make improvements. The proposed building will need to be reviewed more closely by the City's Building Administrator during the permitting process. Certain procedures as set forth by FEMA and the State need to be followed by the City when reviewing building permits.

Notices were sent to adjacent property owners, county and township officials, and City departments for review and comment. Assessing noted that there is already a Kautzmans Addition in the City and that the name of the subdivision should be changed.

Should the Commission agree to the Land Use Plan Amendment it is recommended that the application be conditionally approved on the basis that with set conditions it would be consistent with City plans and ordinances. The proposed conditions are as follows:

- 1. The Land Use Plan is amended from Agricultural Preservation to Rural Residential for the subdivision area.
- 2. An Attorney Title Opinion is received.
- 3. A certificate is received showing taxes are current.
- 4. A drainage plan is received and approved by the City Engineer.
- 5. The name of the subdivision be changed to something that is not already in use in Cass County.
- 6. If a residential structure is developed that it meets the National Flood Insurance Program standards.
- 7. Any necessary easements are placed on the Final Plat.

There were no comments from the public. The hearing was closed.

Larry stated that when developing the Comp Plan, staff met with township officials whose primary concern was with areas outside of the diversion being prone to flooding. Townships strongly encouraged the city to minimize development in those areas; however, if you have a legal lot of record, the owner is guaranteed a right to use their property.

Tim stated that this area is in a Zone A, which means in the floodplain, but not studied. A registered land surveyor needs to set a benchmark, which is submitted to the building administrator. The applicant has done this and has also spoken with the township.

Commissioner Diamond made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-39 Askew Addition, Replat of part of Lot 33, Block 3 of Simpson's 3<sup>rd</sup> Subdivision and Part of Lots 31 and 32, Block 2 of Simpson's 2<sup>nd</sup> Subdivision, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report

The applicant owns the two properties to be replatted and is proposing to split an approximate 50' x 114.43' section of the existing east property to be transferred to the existing west property. The property has previously been split and therefore cannot be split again and is required to follow the procedures of a replat or minor subdivision.

Legal notice has been given in the paper and departmental reviews have been sent out. Comments were received from the City Assessor recommending that the name of the plat be changed to Simpson's  $6^{th}$  Addition because it is within the existing Simpson's additions.

It is recommended that the application be conditionally approved on the basis that with set conditions it would be consistent with City plans and ordinances. The proposed conditions are as follows:

- 1. A certificate is received showing taxes are current.
- 2. Any necessary easements are placed on the Final Plat.

Applicant Bob Askew indicated he was available to answer any questions. There were no comments from the public. The

hearing was closed.

Commissioner Potter asked about the suggested name change of Simpson's 6<sup>th</sup>. Mr. Askew stated the name change is not an issue.

Commissioner Zupi made a motion to approve the request subject to the conditions listed in the staff report as well as changing the name of the subdivision to Simpson's 6<sup>th</sup> Addition. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-40 Conditional Use Permit for oversized accessory building at 315 Woodland Place (Lot 4, Block 1 of Woodland Estates Subdivision), Cass County, North Dakota.

Tim reviewed the following information from the staff report:

The property is located in Woodland Estates Subdivision which is within the city's extraterritorial jurisdiction. The property is located north of 19<sup>th</sup> Avenue NW and west of County Highway #17, along the east side of Ann Street. The property is zoned R-1E: Rural Estate District, and requires a conditional use permit to construct an accessory building larger than 1,000 ft<sup>2</sup>. The proposed use is consistent with City Plans and Ordinances.

The applicant has submitted a site plan and is proposing a 44' x 50', 2,200 ft² detached garage/storage building with an all-season rec room, loft, and storm shelter. The wall height is approximately 20'. Accessory structures over 1,000 ft² have been conditionally approved in the past for rural subdivisions provided they are in character with the development pattern of the subdivision. The applicant has submitted elevations with his application show the exterior finish would be similar to the primary residence.

In 2008 and 2012 conditional use permits were approved in this area for 2,160 and 2,400 square foot accessory buildings. In recent years there have been two 2,400 ft<sup>2</sup> accessory buildings approved in the Selberg addition, which is ½ mile north of this development.

Property owner will be required to have his property surveyed to find elevations to ensure the proposed structure is built above the 100 year flood plain level. This is a requirement of Building Administration prior to issuing a building permit outside of the Sheyenne Diversion.

Notices were sent to property owners within 350', no comments have been received to date.

It is recommended to conditionally approve the application on the basis that it is consistent with City plans and ordinances. The conditions of approval are as follows:

- 1. The applicant complies with the City's flood plain standards.
- 2. Exterior materials are in character to that of the surrounding properties and the primary residential structure.

There were no comments from the public. The hearing was closed.

Commissioner Zupi made a motion for approval based on staff recommendations. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-41 Mid-America 2<sup>nd</sup> Addition, Replat of part of Block 1 of Mid-America 1<sup>st</sup> Addition and subdivision of property in the NE¼ of Section 7, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The intent is to align the intersections of 6<sup>th</sup> Street West and 6<sup>th</sup> Street NW, with the street section to the south of Main Avenue being reconfigured. The property owner south of Main Avenue West has been working with the City to align the streets of 6<sup>th</sup> Street West and 6<sup>th</sup> Street NW which would make the intersection at Main Avenue a full access intersection. The improvements to 6<sup>th</sup> Street West are intended to be completed by the City and coordinated with the Main Avenue Reconstruction project being reconstructed in 2015. Currently the intersections are off-set and too close to each other, so the

reconstruction plans show one intersection with a right in/right out and the other a 3/4 access.

The application is being brought forward by the City, though the property owner is involved with the subdivision. The City is acquiring property to relocate 6<sup>th</sup> Street West on the south side of Main Avenue West. The excess property on the west side of the street not needed for right-of-way will be incorporated with the adjoining property.

The application includes an area plan and subdivision plat. The area plan shows only property south of Main Avenue West. Properties in the vicinity of the plat and south of Main Avenue West are industrial in character and zoned Heavy Commercial/Light Industrial. South of 2<sup>nd</sup> Avenue West is a residential neighborhood. Property north of Main Avenue includes properties zoned Light Commercial and Heavy Commercial/Light Industrial. Properties to the east of 6<sup>th</sup> Street NW are zoned R-1A: Single Family Dwellings.

The Preliminary Plat shows three lots. Lot 1 was developed as a hotel facility many years ago and was converted to residential rental units known as Riverside Apartments. The rental units have deteriorated over the years, so the owner has determined that the buildings should be demolished. The owner proposes selling the property to the City to accommodate the street reconfiguration. The balance of the property would be public open space adjacent to the Sheyenne River. Part of the existing street right-of-way will be conveyed to the property owner on the west side of the street and included with Lot 2. The remaining lot which is Lot 3 is being split off from the current property, as it has no improvements. The owner intends to sell the property.

In 2008 several businesses and a number of residents brought forward a request to align the two off-set streets, as it would provide better access to and from Main Avenue. At the time it appeared that the costs outweighed the benefits of alignment, so the City did not approve the request. Since then there has been a change in ownership of some of the property, and property owners and City have re-examined the costs and benefits.

Access along Main Avenue has historically been controlled by the North Dakota Department of Transportation (NDDOT). The City has approved numerous plats along Main Avenue over the last 20 years, some of which had frontage roads for access and did not. The NDDOT has not allowed additional direct access to Main Avenue, except accesses which have been studied in association with the Main Avenue Reconstruction Projects. The NDDOT did not allow accesses to the frontage road when the Geller development was platted, so private access easements needed to be provided across lots to side streets which then accessed Main Avenue. If direct access to Main Avenue West would be provided for Proposed Lot 3, the access spacing between that access and the access to Davon Press to the west would be considerably less than what the City access spacing standards are for Arterial streets (660' with a minimum spacing of 330'). We have sent the plat to the NDDOT District Office for their review. If the access is not approved by the NDDOT, the owner will be required to provide a private access easement across Lot 2, work out a shared access easement with Davon Press, or maintain the two lots as one lot.

Notices were sent to City departments, Post Office, Utility Companies, SE Cass Water Resource District, and North Dakota Department of Transportation.

The right-of-way for 6<sup>th</sup> Street West is shown as 60 ' in width which is not adequate according to the minimum City right-of-way standards for commercial streets. The minimum right of way required by the subdivision ordinance is 80'. The right-of-way is consistent with the street segment to the south which was established many years ago. The residential streets to the south have streets with 70' of right-of-way. The proposed right-of-way should be reviewed by City Engineering and Public Works to determine if it is adequate to provide driving lanes, turn lanes if needed, and sidewalks. If needed additional right-of-way should be provided on the plat. The 6<sup>th</sup> Street West right-of-way is impacted by the City's required 100-foot building control line from the Sheyenne River. The street right-of-way is about 82' from the riverbank on the south side (established riverbank not determined yet) and about 68' from the north side. The building control line is measured from the established riverbank, as determined by the City Engineer, and applies to primary and accessory structures requiring permits, parking lots, fill and other development activities which may cause increased riverbank destabilization. The City may by variance reduce the setback required if a geotechnical soils study demonstrates that the improvements would not cause increased riverbank destabilization. The City Commission has authorized a geotechnical soils study.

It is recommended that the subdivision plat be conditionally approved on basis the request is consistent with City plans and ordinances. The conditions for the application are as follows:

- 1. An Attorney Title Opinion is received.
- 2. A certificate of taxes showing taxes being current is received.

- 3. A Drainage Plan is received and approved by the City Engineer.
- 4. A Final Plat is received with any necessary utility easements.
- 5. Prior to approving the Final Plat access issues for Lot 1 need to be resolved.
- 6. Additional right-of-way is provided for 6<sup>th</sup> Street West if necessary.
- 7. Final Plat is not considered until the geotechnical study is completed to understand if soils can accommodate the proposed improvements, or if additional street design measures need to be considered.

There were no comments from the public. The hearing was closed.

Assistant City Engineer Dustin Scott reviewed the  $6^{th}$  Street alignment. He stated that the ND-DOT would only grant full access to the north or south, so it was decided to align the intersection so as not to choose one or the other. It meets the ND-DOT requirements. Commissioner Johnson asked if this would be a right-in/right-out access. Dustin stated no, a full access.

Commissioner Zupi made a motion for approval based on staff recommendations. Commissioner Diamond seconded the motion. Commissioners Zupi, McDougall, Carlsrud, Potter and Diamond voted in favor of the replat. Commissioner Johnson voted nay. Motion carried 5-1.

Chair McDougall opened public hearing A14-42 Planned Unit Development Amendment for Light Commercial Lease Space at 1613 East Main Avenue (Lot 5, Block 1 of Geller's 2<sup>nd</sup> Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The building had previously been permitted by the City of West Fargo Building Administrator; however, in review of the file upon request of a zoning verification letter by a soon to be tenant it was discovered that the building and its uses would require an amendment to the approved PUD as was noted in the approval of the original rezoning. The building that was constructed meets the building construction and yard requirements of the underlying C: Light Commercial District and CO-R: Redevelopment Corridor Overlay District and has been approved under all other City regulations governing new construction.

The building is intended for light commercial, office, and wholesale. The applicant is required to submit detailed development plans to meet the Planned Unit Development requirements. The preliminary site plan shows the existing business fronting Main Avenue with the entrance and parking lot located in the rear of the building. Access to this business is provided by a private roadway serving the businesses on this block.

The preliminary site plan complies with all required setbacks. Commercial buildings within the CO-R District are required to be constructed with 70% of the side fronting public streets with materials such as brick, wood, stone, architectural concrete or pre-cast concrete. This building has met those standards.

The City notified property owners within 150'.

It is recommended that the application be approved on the basis that it is consistent with City plans and ordinances.

There were no comments from the public. The hearing was closed.

Commissioner Diamond made a motion for approval. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-43 Planned Unit Development Amendment for Commercial Office Space & Land Use Plan Amendment from Medium Density Residential to Office Park at 1201 10<sup>th</sup> Avenue East (Lot 3, Block 1 of Dakota Territory 10<sup>th</sup> Addition), City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is on the south side of 10<sup>th</sup> Avenue East, east of 9<sup>th</sup> Street East. In 2004, Menards replatted their existing property, adding onto the home improvement center site to accommodate expansion plans and rezoned the property from Agricultural to Planned Unit Development. In 2007, a Planned Unit Development Amendment was approved for

construction of professional office space for an engineering company to the west.

The City's Land Use Plan depicts the property as medium density residential. The proposed office building is not consistent with City Plans and Ordinances and requires a land use plan amendment.

The applicant proposes to submit Concept Development Plans for review and consideration prior to developing Detailed Development Plans. This provides an opportunity for neighboring property owners to be informed and provide comments which can be taken into consideration when developing the Detailed Development Plans. The request is for construction of a two story office building and parking lot. This would provide needed expansion space for the Moore Engineering firm and leasable tenant space.

Concept Development Plans, were submitted showing a 42,000 square foot office building and a parking lot to the east, consisting of 299 parking spaces. The site is accessed from 10<sup>th</sup> Avenue East.

The applicant is requesting an amendment to the City's Land Use Plan to change the land use designation of the property from Medium Density Residential to Office Park. Though the zoning is Planned Unit Development, which provides for some flexibility in site design, the City can give greater consideration to the adjacent property owner concerns in the site and building design. Also, the City can look to the C-OP: Commercial Office Park District for guidance. It appears that the concept site plan is utilizing the C-OP District setbacks. Detailed Development Plans will need to be submitted including elevation plans, floor plans, landscaping plan and detailed site plans.

The applicant provided justification for a reduction of parking for the original project due to the number of employees and clients visiting the facilities being less than the parking regulations were providing for. They have submitted a request for reduction in parking for this portion as well which utilizes the same ratio as provided previously. The required parking as per our ordinances would be one space per 250 square feet of gross floor area, plus one space per employee on the largest shift. The zoning ordinance provides that a parking reduction can be approved, providing the reduction can be justified through a study demonstrating that the required parking is excessive.

The City's Landscape Standard provides that a buffer yard needs to be provided between commercial and residential uses. The type of buffer yard would likely be type B which would include a 6-foot screen, 15-foot buffer yard and small evergreen trees, or if only a vegetative buffer yard, a 30-foot buffer yard, small evergreen trees, and one row of evergreen shrubs.

Notices with maps were sent to City Departments and property owners within 150'. Some comments have been received from property owners to the east concerned with the parking lot, increased traffic, noise and debris. Solid fencing and landscaping are desired. Additional comments are forthcoming.

It is recommended to approve the Land Use Plan Amendment from Medium Density Residential to Office Park. The Planned Unit Development zoning provides safeguards to address concerns from the adjacent property owners and mitigate impacts through buffer yards with screening and/or landscaping. The applicant should attempt to address the residential concerns with the development of the Detailed Development Plans.

Mary Jean Hansen, 1349 11<sup>th</sup> Avenue East, stated there are already issues with school bus traffic and asked if there will be traffic lights at 9<sup>th</sup> Street and 10<sup>th</sup> Avenue. Larry stated that it would have to be studied to see if it met warrants. Dustin stated that the 2011 9<sup>th</sup> Street Corridor Study looked at existing traffic and build-outs and the intersection didn't meet warrants for traffic signals. Mrs. Hansen asked about impact of the new police station access onto 9<sup>th</sup> Street. Dustin stated that it's a limited access.

Dustin stated that the bus traffic usually occurs twice a day when work is in session. Mrs. Hansen asked about people using the parking lot for school events. Dustin stated that it is private property; however, on weekends people may access it. Mrs. Hansen stated concern with the safety of children attending activities.

Jeff Volk, Moore Engineering, stated that they're not going to monitor the parking lot as it would be out of their control. The school is already there, so they wouldn't be adding to that traffic. Business parking and school activities would occur at different times of the day.

Laverne Schneider, 1020 13th Street East, stated concern with increased traffic and noise.

Mr. Volk stated that they don't have a problem with buffering. He's seen the comments and their requests aren't unreasonable. As soon as the final plans are developed, they'll have the residents over to discuss them. The main purpose of this meeting was to introduce the plans and work out the details.

Discussion was held regarding fencing and plantings. Larry stated that there could either be a fence with a row of plantings or more rows of trees and no fence. Mrs. Schneider stated that they have no problems with maintaining any plantings.

There were no other comments from the public. The hearing was closed.

Chair McDougall stated that once they finalize the detailed development plans, the property owners will be notified and have a chance to review them.

Commissioner Johnson made a motion to approve the Concept Development Plans. Commissioner Zupi seconded the motion. No opposition. Motion carried.

The next item on the agenda was A14-44 Simple Lot Split Lot 15, Block 3 of River's Bend at the Preserve 1st Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The properties are located along the south side of First Street East. The home on Lot 14 was built too close to the property line and to become compliant with the required setbacks of the R-1A Zoning District must acquire additional property from the owner of Lot 15.

It is recommended to conditionally approve the simple lot split on the basis that it is consistent with City plans and ordinances. The conditions for approval are as follows:

- 1. The parcel split from Lot 15 is included within the deed for Lot 14 and verification provided by the developer to the City.
- 2. The applicant provides a letter of acceptance from the bank to add the parcel to the property legal description.

Commissioner Zupi made a motion for approval based on staff recommendations. Commissioner Carlsrud seconded the motion. No opposition. Motion carried.

Under non-agenda, Larry indicated the North Dakota Planning Conference (NDPA) will be held on September 25<sup>th</sup>, in conjunction with the League of Cities Conference in Minot. If anyone is interested, let the Planning Department know.

Commissioner Diamond made a motion to adjourn. Meeting adjourned.